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EXAMINER

KESACK, DANIEL

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/859,615
Filing Date: May 16, 2001
Appellant(s): LANDRY, GEORGE W.

Thomas W. Humphrey
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed January 30, 2009 appealing from the Office action mailed February 26, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,383,113	KIGHT	1-1995
5,483,445	PICKERING	1-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 25-38, 40-55, 57, 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kight, U.S. Patent No. 5,383,113, in view of Pickering, U.S. Patent No. 5,483,445.

Claims 25-28, 42-45, Kight discloses a system and method for electronic payment of bills, financial analysis and loans, comprising storage for payee information for each of a plurality of payees, storage for payor information for each of a plurality of payors, payor information including parameters established by the payor for enabling transfers of funds to the payee from the payor, and identifying a plurality of payees authorized by the payor to receive transfer of funds from the payor (column 3 lines 3, 30-36), and control parameters defining the manner in which transfer of funds are to be performed (column 1 line 66 – column 2 line 2).

Kight fails to teach a payee communications interface receiving bill data from each of said payees, and generating one or more electronic funds transfer messages to the payee and payor.

Pickering discloses an automated consolidation system and method comprising periodic electronic transfer of billing information from payees to the bill paying system (abstract). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Kight to include electronic transfer of billing information from payees to payors because it would relieve the burden of transferring this information themselves and it would be more efficient than the payees transferring this information outside the system.

Furthermore, Pickering also teaches a funds transfer interface generating one or more electronic funds transfer messages to the payee and the payor (column 8 lines 1-23). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Kight to include sending an electronic transfer message to the payor and the payee because the security and integrity of electronic transactions is desirable, and a confirmation of a completed transaction enhances these features.

Claims 29, 46, Kight teaches the interactive device comprises a telephone under the control of the payor, and said transactions are presented to a payor via the telephone (abstract, and column 3 lines 55 – column 4 line 28).

Art Unit: 3691

Claims 30, 47, Kight teaches the transactions are presented to the payor via a telephone, computer terminal, or any other telecommunication means (abstract).

While Kight does not specifically teach an ATM, ATMs are well known in the art to be telecommunications device, as well as computer terminals dedicated to financial transactions.

Claims 31-34, 48-51, Kight teaches the transactions identify a date by which funds are to be transferred from a payor to a payee in payment of a bill (column 3 lines 30-54).

Claims 35-37, 52-54, Kight teaches identifying the payee as the one originating the bill, identifying a payee by name, and identifying a payee by an identifier, wherein a payee's name is considered an identifier (column 3 line 55 – column 4 line 28).

Claims 38, 55, Kight teaches presenting to the payor one or more functions, and the payor communication interface is responsive to a payor's selection of a function at the interactive device (figure 3).

Claims 40, 57, Kight teaches the maximum amount is set when the payor sets said maximum amount. However, Kight and Pickering fail to specifically teach

Art Unit: 3691

preventing transferring of funds which exceed the maximum amount specified by the payor.

Official Notice is taken that it is old and well known in the art to have error messages generated to alert the user to problems and conflicts. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Kight and Pickering to include generating an error message if the transaction does not meet a predefined criteria, such as a maximum amount, because it would provide the user with an indication of the problem, allowing the user to take corrective action.

Claims 41, 58, Kight teaches preventing a transfer of funds if any other transfer of funds for the payor and payee occurred during the minimum time set interval, wherein the payor established time intervals are considered a minimum time set between which billing transfers are prevented (column 3 lines 44-45).

(10) Response to Argument

Appellant argues that Examiner has failed to establish a prima facie case of obviousness because the cited references fail to teach each and every claim limitation. Examiner respectfully disagrees.

Specifically, Appellant argues that Examiner has not pointed out how the combination would teach "causing an interactive device to present a plurality of transactions representing bills of at least two different payees," and that Kight and Pickering lack any suggestion of presenting bills of multiple billers on an interactive device. Examiner respectfully disagrees with Appellant's assertion, and with Appellant's characterization of the claims. Examiner respectfully points out that independent claim 25 recites "a communication device for receiving bill data from a plurality of payees, and causing an interactive device to present a plurality of transactions representing bills of at least two different payees." Similarly, claim 42 recites, "receiving bill data from a plurality of payees, and causing an interactive device to present a plurality of transactions representing bills of at least two different payees." Specifically, Applicant argues that since Pickering uses paper to interact with a payor, the reference cannot teach this feature.

However, Examiner is of the opinion that Pickering teaches this feature, as cited in the rejection. The system of Pickering receives billing information from a plurality of payors, and causes a printer, which is considered an interactive device, to present the transactions, by printing said billing information. The feature, which is generally described in the cited portions, is more specifically described through the drawings and the specification. Pickering teaches that the communication manager receives the billing information from a plurality of payees (column 6 lines 62-65), and that a printer, in

Art Unit: 3691

communication with the communication manager (figure 1), prints out the statement ("causes the transactions to be presented", as recited in claims 25 and 42).

Furthermore, Appellant argues that the references are incompatible, and thus cannot be combined, because the philosophies of the environments in which the inventions are implemented are conflicting. As Examiner previously pointed out, the fact that one may not be motivated to combine the entire invention of Kight with the entire invention of Pickering does not preclude the motivation to combine specific teachings in the references. Both references are concerned with customer billing. One of ordinary skill in the art would look to all references involved with payments and billing when looking to improve on the teachings of Kight. The specific teachings that are relied upon in Pickering are not dependant upon the references' differing views of credit risk, as Appellant has pointed out. All of the features of the claimed invention were known at the time of Appellant's invention, and the results are predictable, in the the customer receives a combined bill, which it can then pay using the invention disclosed by Kight.

Art Unit: 3691

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Daniel Kesack

/D. K./

Examiner, Art Unit 3691

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691

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